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August 17, 2020

The Honorable Norman K. Moon
United States District Court
Western District of Virginia
255 West Main Street
Charlottesville, VA 22902

Re: *Sines et al. v. Kessler et al.*, No. 3:17-cv-00072 (NKM) (JCH)

Dear Judge Moon:

We write on behalf of Plaintiffs further to the Court’s August 10, 2020 order regarding a motion to seal filed by Defendants Jason Kessler, Nathan Damigo, Matthew Parrot, Identity Evropa, and Traditionalist Workers Party (“Defendants”). Defendants’ motion seeks to seal three expert reports that Plaintiffs served to Defendants on July 20, 2020. Defendants argue that sealing is required because the reports were designated Highly Confidential pursuant to the protective order entered in this action, *see* Dkt. No. 167. The Court’s August 10th order, however, denied Defendants’ motion to seal because Defendants offered “a legally inadequate reason for sealing the expert reports.” Consequently, the Court provided that on “August 17, 2020, the expert reports will be unsealed unless a party has moved that they remain sealed.”

The Plaintiffs designated the expert reports Highly Confidential solely because they contain information that was designated Highly Confidential by other parties and non-parties to this action. Because none of Plaintiffs’ Protected Information is within Plaintiffs’ experts’ reports, the Plaintiffs do not intend on moving for the reports to remain under seal.

We note, however, that the protective order requires that a party intending to file Protected Information with the Court provide advance notice “wherever possible.” *See* Dkt. No. 167 ¶ 8. Defendants failed to provide notice of their intent to file their motion to Plaintiffs or to any third parties whose Protected Information is within those reports. Plaintiffs have attempted to notify the third-party designators, but these efforts are ongoing in certain respects. Accordingly, we respectfully request that the Court extend the temporary sealing of the expert reports for one additional week so third-party designators have sufficient opportunity to consider their options.

Very truly yours,

/s/ Roberta A. Kaplan
Roberta A. Kaplan, Esq.